THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25387 2006

Dated: 08-12-2006

Between:

R. Govind.

..... PETITIONER

AND

The Joint Collector, Visakhapatnam, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25387 2006

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.6.38 guntas in survey Nos.80/1, 80/2 and 80/3 situated at Tarluvada Village, Anandapuram in Visakhapatnam. He purchased the land along with coconut and mango plantations. So as to protect the land from inundation from high currents from nearby water body (vagu), he constructed compound wall. Respondent No.2, namely, the Mandal Revenue Officer (MRO) initiated action under the provisions of Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (the Act, for brevity). On 28-11-2006 MRO issued notice to the petitioner calling upon him to show-cause as to why he should not be evicted from the Government land admeasuring about 50 sq. yards in survey No.80/3, which was classified as gayalu. The petitioner alleges that on 29-11-2006 officials from the office of MRO demolished the compound wall, even before he could submit explanation. Therefore, he seeks a writ of Mandamus declaring the action of the respondents in demolishing the compound wall as illegal and arbitrary.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General-A), after getting instructions, submits that the petitioner was given notice under Section 7 of the Act on 28-11-2006 giving him time till 10-12-2006 for submitting explanation. He also denies that the compound wall was demolished pending enquiry by MRO.

After considering the rival submissions, this Court is of the considered opinion that the petitioner may submit explanation immediately to MRO, who shall pass appropriate orders under Section 6 of the Act after considering the explanation. Till such orders are passed, there shall be *status quo* as on today.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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V.V.S.RAO, J

08th December, 2006

ghn